



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

April 18, 2012

Mr. Vern Scoggin
Atlas Sand and Rock, Inc.
4418 East 8th Avenue
Spokane Valley, WA 99212

Dear Mr. Scoggin:

Re: Temporary Application for Change/Transfer under
Surface Water Certificate No. 7387 (WRIA 34 – Whitman County)

Your request for a Temporary Change under the above-referenced certificate has been received and is granted conditionally as follows:

Surface Water Certificate No. 7387 authorizes withdrawal as a maximum of 0.40 cubic feet per second, 120 acre-feet per year for the seasonal irrigation of 30 acres. The place of use is within portions of Section 13, Township 20 N., Range 42 E.W.M. and a portion of Section 18, Township 20 N., Range 43 E.W.M. The two authorized points of diversion are from Pine Creek within the E½ of Section 13 and the W½ of Section 18, Township 20 N., Range 43 E.W.M.

This application proposes to change a portion of the place of use and purpose of use to Certificate No. 7387. The authorized points of diversion will be retained as sources.

This application is exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

This Temporary Change Authorization is subject to the following provisions:

1. This Temporary Change authorizes a change in place of use of one (1) acre of irrigated land and one (1) acre-foot of water to the SW¼SW¼ of Section 18, Township 20 N., Range 43 E.W.M., which is to be changed from irrigation to aggregate washing.
2. Additionally, the point of diversion located in the W½ of Section 18, Township 20 N., Range 43 E.W.M. shall be the only source for aggregate washing. The instantaneous quantity of water from both points of diversion shall be shared and will not exceed 0.40 cubic feet per second as a total at any given time.



3. This Temporary change shall remain in effect from April 18 to June 30, 2012. After such time, this authorization shall be cancelled.
4. No withdrawal of water over and above what has been historically put to beneficial use would be authorized through approval of this change.
5. An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.
 - a. Water use data shall be recorded *weekly* and shall be submitted to Ecology by *January 31st, 2013*.
 - b. At a minimum, the following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit or Certificate #, source name, annual quantity used including units, maximum rate of diversion including units, and period of use. In the future, Ecology may require additional parameters to be reported or more frequent reporting. Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.
 - c. Department of Ecology personnel, upon presentation of proper credentials, will have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.
6. The intake(s) must be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. <http://wdfw.wa.gov/about/contact/>
7. The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between

applicant and owner of that land.

8. The water right holder is required to maintain efficient water delivery systems and use of up to date water conservation practices consistent with RCW 90.03.005.
9. Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances or regulations
10. The Department assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this temporary change authorization.
11. Issuance of this temporary change shall in no matter be construed as to guarantee or imply that future authorizations will issues for this or similar projects.
12. Irrigation of the one acre of land temporarily changed under this authorization, within the 2012 irrigation season, will constitute an enlargement of the right and this authorization shall be immediately terminated.
13. Violation of any of the terms and/or conditions of this temporary change will result in this authorization being immediately terminated, issuance of administrative orders to Cease and Desist, and may also subject the violator to civil penalties.

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.


You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov> . To find laws and agency rules visit the Washington State Legislature
Website: <http://www1.leg.wa.gov/CodeReviser> .*

DATED at Spokane, Washington this 18th day of April, 2012.

Sincerely,



Keith L. Stoffel
Section Manager
Water Resource Program
Eastern Regional Office

DT:ka

Enclosure: *Your Right to Be Heard*

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4/18/12

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Sent To	MR. VERN SCOGGIN
Street, Apt. No., or PO Box No.	ATLAS SAND AND ROCK, INC.
City, State, ZIP+4	4418 EAST 8TH AVENUE SPOKANE VALLEY, WA 99212

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. VERN SCOGGIN
 ATLAS SAND AND ROCK, INC.
 4418 EAST 8TH AVENUE
 SPOKANE VALLEY, WA 99212

2. Article Number
 (Transfer from service label)

7011 0110 0000 7276 0452

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *L. Treffny*

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

L. Treffny

C. Date of Delivery

4-19-12

- D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

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☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540